



U.S. ATTORNEY JENNY A. DURKAN

WESTERN DISTRICT OF WASHINGTON

FOR IMMEDIATE RELEASE
SEPTEMBER 29, 2011

CONTACT: PRESS OFFICE
(206) 553-4110

OWNER OF 'DAVY CROCKETT' BARGE INDICTED FOR OIL SPILL ON COLUMBIA RIVER

*Owner of Salvage Company Allegedly Knew Barge was Leaking Oil and Failed to Notify
Authorities*

BRET A. SIMPSON, the owner of Principle Metals, LLC, was indicted by the federal grand jury today with two violations of the Clean Water Act. The grand jury charges that SIMPSON unlawfully discharged oil into the Columbia River near Camas, Washington, between December 3, 2010 and January 28, 2011. The second count charges SIMPSON with failing to notify authorities of the oil discharge between December 1, 2010 and January 19, 2011. SIMPSON will be summoned to appear for arraignment on the charges in U.S. District Court in Tacoma on October 14, 2011.

"The rivers of the Pacific Northwest are our heritage, and must be protected for future generations," said U.S. Attorney Jenny A. Durkan. "Those who attempt to sacrifice environmental quality in pursuit of profit, will be held accountable."

According to the Indictment, SIMPSON knew when he purchased the M/V Davy Crockett in June 2010, that tanks on board the vessel contained several thousands of gallons of fuel oil and diesel fuel. The M/V Davy Crockett is a former U.S. Navy ship that had been converted to a flat deck barge. SIMPSON's company planned to cut the barge apart and sell the metal for scrap. SIMPSON assembled a crew to begin dismantling the M/V Davy Crockett at its place of moorage in the Columbia River in October 2010. He made no arrangements to remove the fuel oil and diesel fuel from the vessel before the scrapping operation began. On December 1, 2010, a member of the scrapping crew cut into a structural beam of the barge, and the ship began breaking apart and leaking oil. Neither SIMPSON nor anyone else with Principle Metals LLC notified authorities about the leak. The scrapping operation was halted.

SIMPSON initially addressed the oil release by ceasing all scrapping operations, procuring a boom to limit the release of oil into the Columbia River, and directing an employee to monitor vessel conditions. The employee monitored vessel conditions for approximately one week following the initial release before being relieved of his employment. SIMPSON took no further steps to monitor the ship, or the boom, and took no steps to protect the barge from further structural damage. On January 19, 2011, an accumulation of debris next to the barge forced it to

move, and additional oil was released. The Coast Guard responded to the additional movement of the barge, and issued an administrative order for SIMPSON to remove any remaining visible oil from machinery spaces and deck tubes together with other salvage debris from the vessel. SIMPSON complied and authorities believed the barge no longer posed an environmental danger. However on January 27, 2011, additional oil was released from the vessel and state and federal authorities immediately responded in an effort to limit environmental damage.

“This cleanup cost the United States taxpayers nearly \$20 million,” said Tyler Amon, Special Agent in Charge for EPA's Criminal Investigation Division in Seattle. “We believe Defendant Bret Simpson needs to be held accountable. Today's action represents the fruit of nearly a year of effort by the Northwest's best emergency response and criminal investigation team.”

Detailed information on the clean-up is available here:
<http://www.ecy.wa.gov/programs/spills/incidents/DavyCrockett/DavyCrockett.html>

If convicted of the charge of failing to report the release, SIMPSON faces a term of imprisonment of up to five years and a criminal fine of not more than \$250,000. If convicted of the charge of unlawfully discharging oil to the river, SIMPSON faces a term of imprisonment of up to three years and a criminal fine of not less than \$5,000 nor more than \$50,000 per day of violation.

The charges contained in the indictment are only allegations. A person is presumed innocent unless and until he or she is proven guilty beyond a reasonable doubt in a court of law.

“The vessel was abandoned by Mr. Simpson forcing an extensive emergency response encompassing eight months and costing millions of dollars in federal Oil Spill Liability Trust Fund money,” said Rear Adm. Keith A. Taylor, Commander of the 13th Coast Guard District. “Criminal prosecution sends an important message to vessel owners that such disregard for the environment will not be tolerated.”

The case is being investigated by the Environmental Protection Agency Criminal Investigation Division (EPA-CID), the U.S. Coast Guard, the U.S. Coast Guard Investigative Service, the Washington State Department of Ecology, and the Oregon Department of Environmental Quality. The case is being prosecuted by Assistant United States Attorney James Oesterle and Special Assistant United States Attorney Lieutenant Commander Marianne Gelakoska of the U.S. Coast Guard. Mr. Oesterle heads the U.S. Attorney's Office working group on environmental crimes.

For additional information please contact Emily Langlie, Public Affairs Officer for the United States Attorney's Office, at (206) 553-4110 or Emily.Langlie@USDOJ.Gov.